

Senate Bill 260

By: Senators Ramsey, Sr. of the 43rd, Buckner of the 44th, Brown of the 26th and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that any full-time public school employee may elect to become a member of the Teachers Retirement System of Georgia; to define certain terms; to provide that a local school system may elect to participate; to provide for employee and employer contributions; to provide for creditable service for certain prior service; to provide for matters relative to the foregoing; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by adding a new Code section to read as follows:

"47-3-63.1.

(a) As used in this Code section, the term:

(1) 'Public school employee' shall have the same meaning as such term is defined in Code Section 47-4-2.

(2) 'Participating local school system' means a local school system which has exercised the option to allow public school employees employed by such school system to participate in this retirement system.

(b) Any local school system may elect for participation of its public school employees in this retirement system by notifying the board of trustees of this retirement system and the board of trustees of the Public School Employees' Retirement System. Any local school system making such election shall be the employer of such public school employees for all purposes under this chapter.

(c) A full-time public school employee who is employed by a participating local school system may elect to become a member of this retirement system by notifying the board of trustees of this retirement system and the board of trustees of the Public School Employees'

Retirement System. Any such person exercising such option shall begin making the employee contributions required by this chapter.

(d) Any person electing to participate in this retirement system as provided in subsection (c) of this Code section who was a member of the Public School Employees Retirement System at the time he or she elects to become a member of this retirement system shall be permitted to establish credit for prior service by paying to the board of trustees an amount determined by the actuary as necessary to grant such benefit without creating any accrued actuarial liability as to this retirement system. The board of education for the participating local school system by which the employees are employed at the time the service is established shall be authorized, but not required, to pay all or a portion of such amount on behalf of the employees. Such payment must be made not later than July 1, 2011, or within six months of an employee first or again becoming a member, whichever is later.

(e) The board of education for the participating local school system shall be the employer of public school employees specified in subsection (b) of this Code section for the purposes of employer contributions on membership service rendered by such members after they become members of this retirement system; provided, however, that the state shall continue to pay employer contributions for all members who became members of this retirement system pursuant to this Code section prior to July 1, 2010, for whom the state was on that date obligated to pay such contributions."

SECTION 2.

Said title is further amended by revising Code Section 47-4-40, relating to eligibility, leaves of absence, termination, and transfer of service credits, and inserting in lieu thereof the following:

"47-4-40.

(a) ~~Any~~ Except as provided in subsection (d) of this Code section, any person who is a public school employee on January 1, 1970, shall be a member of the retirement system as a condition of his or her continued employment, except as provided in this Code section.

Any person who becomes a public school employee on or after January 1, 1970, shall become a member of the retirement system as a condition of his or her employment. This subsection shall become a part of any contract of employment of public school employees which is executed on or after January 1, 1970, but nothing in this Code section shall be construed to impair the obligation of any such contract executed prior to January 1, 1970.

(b) An otherwise eligible public school employee shall be classified as a member only while he or she is employed by a local unit of administration which is not operating a local retirement system, except as otherwise provided in Code Section 47-4-41.

(c) The membership of any member shall terminate if he or she retires under this retirement system or withdraws his or her contributions. Any member who has not withdrawn his or her contributions to the retirement system may retain his or her membership while on any leave of absence which is authorized by rules and regulations of the board. The board may continue the membership of a member while in the armed forces of the United States or other emergency wartime service of the United States, which service has been approved in advance by the board, or if he or she ceases to be a contributing member by reason of illness. No benefit under the retirement system other than the payment of the employee's accumulated contributions shall become payable to him or her or on his or her account while he or she is not in service as a public school employee and no employer contributions shall be made to the retirement system during any such time.

(d) Full-time public school lunchroom, maintenance, or warehouse managers or supervisors, or full-time public school transportation managers or supervisors including those employed by postsecondary vocational-technical schools governed by the Technical College System of Georgia shall have the option of becoming members of the Teachers Retirement System of Georgia, in accordance with Code Section 47-3-63. Any ~~of such personnel~~ person who ~~have heretofore exercised said option or who hereafter exercise said~~ exercises such option who ~~have or had~~ has ten or more years of creditable service under this chapter may withdraw ~~their~~ his or her accumulated contributions from the fund, and upon withdrawing such contributions, such ~~personnel~~ person shall cease to be ~~members a~~ member of the retirement system. ~~Said personnel~~ Any such person may elect to allow ~~their~~ his or her accumulated contributions to remain in the fund, and such ~~personnel~~ person shall retain the vested rights established by Code Section 47-4-100. Upon exercising such option, however, any such ~~personnel~~ person shall cease making contributions to the retirement system, and no additional creditable service shall be allowed under the retirement system. Any such person who elects such option and who has less than ten years of creditable service under this chapter shall withdraw the person's accumulated contributions from the fund and, upon exercising such option, such personnel shall cease to be members of the retirement system. Any person subject to this subsection who becomes employed on or after November 1, 1982, shall have the option, which must be exercised within 30 days after becoming employed, of becoming a member of this retirement system or of becoming a member of the Teachers Retirement System of Georgia, provided that any such person who becomes employed by a postsecondary vocational-technical school governed by the Technical College System of Georgia after July 1, 1987, shall exercise such option within one day after becoming so employed. No such person shall be a member of both such retirement systems under any circumstances. Such option shall be exercised by notification, in writing, to the respective boards of

trustees of such retirement systems. It shall be the duty and responsibility of local units of administration and postsecondary vocational-technical schools governed by the Technical College System of Georgia to notify their respective employees and persons who become employed in the future and who are subject to this subsection of the options provided for in this subsection and to furnish such employees appropriate forms for the exercise of such options.

(e) Lunchroom, maintenance, warehouse, or transportation workers employed by postsecondary vocational-technical schools governed by the Technical College System of Georgia, who are otherwise eligible under laws, rules, or regulations, shall have the option of becoming members of the Employees' Retirement System of Georgia, in accordance with Code Sections 20-4-25, 20-4-26, 47-2-1, and 47-2-190. Any of such personnel who have heretofore exercised said option or who hereafter exercise said option who have or had ten or more years of creditable service under this chapter may withdraw their accumulated contributions from the fund, and upon withdrawing such contributions such personnel shall cease to be members of the retirement system. Said personnel may elect to allow their accumulated contributions to remain in the fund, and such personnel shall retain the vested rights established by Code Section 47-4-100. Upon exercising such option, however, any such personnel shall cease making contributions to the retirement system, and no additional creditable service shall be allowed under the retirement system. Any such person who elects such option and who has less than ten years of creditable service under this chapter shall withdraw the person's accumulated contributions from the fund and, upon exercising such option, such person shall cease to be a member of the retirement system. Any person subject to this subsection who becomes employed on or after July 1, 1987, shall have the option, which must be exercised within one day after becoming employed, of becoming a member of this retirement system or of becoming a member of the Employees' Retirement System of Georgia. No such person shall be a member of both such retirement systems under any circumstances. Such option shall be exercised by notification, in writing, to the respective boards of trustees of such retirement systems. It shall be the duty and responsibility of postsecondary vocational-technical schools governed by the Technical College System of Georgia to notify their respective employees and persons who become employed in the future and who are subject to this subsection of the options provided for in this subsection and to furnish such employees appropriate forms for the exercise of such options.

(f) Any member of this retirement system who makes the election to become a member of the Teachers Retirement System of Georgia pursuant to Code Section 47-3-63.1 shall cease to be an active member of this retirement system. No person who is otherwise eligible to be a member of this retirement system upon first or again becoming employed

136 but who elects to become a member of the Teachers Retirement System of Georgia
137 pursuant to Code Section 47-3-63.1 shall become a member of this retirement system. No
138 person who is vested for a benefit under this retirement system who elects to obtain
139 creditable service under the Teachers Retirement System of Georgia for service while a
140 member of this retirement system shall be eligible to receive a retirement benefit from this
141 retirement system."

142 **SECTION 3.**

143 This Act shall become effective on July 1, 2010, only if it is determined to have been
144 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
145 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
146 become effective and shall be automatically repealed in its entirety on July 1, 2010, as
147 required by subsection (a) of Code Section 47-20-50.

148 **SECTION 4.**

149 All laws and parts of laws in conflict with this Act are repealed.